

REMARKS

Claims 1 to 4 and 6 to 20 are pending. Claims 15 to 20 have been added. Claim 5 has been cancelled in favor of independent claim 20. Claims 1, 6 and 13 have been amended herein. Support for claims 15 to 19 can be found, for example, in the Figs and pages 3 and 5 of Applicants' specification. Claim 20 is a combination of claim 4 and cancelled claim 5. The specification has been amended to correct a typographical error at page 3, line 2, regarding reference numeral 20. These amendments are supported by the specification, drawings, and claims as originally filed and no new matter is believed or intended to be involved.

I. Objections

The Office Action objected to claim 13, stating that the phrase "said gear" lacked antecedent basis. Claim 13 has been amended to depend from claim 4 which recites "a gear".

The Office Action also objected to the drawings because reference characters 20 and 21 appear to have both been used to designate the brush head. Applicants have amended the specification at page 3 to clarify that reference numeral 21 refers to the brush head while reference numeral 20 refers to the toothbrush. It is believed this correction moots the necessity for corrected drawing sheets. Favorable reconsideration is respectfully requested.

II. Rejections Under 35 USC § 112

The Office Action has rejected the claims 7-11 and 14, contending that mechanically coupled is different from magnetically coupled. While Applicants respectfully disagree, claim 1 has been amended herein to delete the term "mechanically" so that it is clear that the coupling between the viewing surface and motor can take a variety of forms, including both magnetic coupling and mechanical coupling. Favorable reconsideration is respectfully requested.

III. Rejections Under 35 USC § 103

a. 6,202,242 to Salmon in view of 6,183,336 to Coleman

The Office Action has rejected claims 1-3 and 78 to 14, contending that these claims would have been obvious over Salmon and Coleman. As understood, Salmon discloses a toothbrush having a motor having a cam cylinder that is mounted off-center in order to induce a vibration in the motor that is transferred via ribbing to a handle which is then transferred to the brush head.

As understood, Coleman discloses a tornado pop wherein a “rotor is put in motion by a motor and a magnetic rotor causing a tornado movement within the liquid to provide entertainment” (see Abstract). The Coleman further states that the rotation of the metallic rotor causes the liquid “to move to produce a tornado effect”. (see Col. 2, lines 40 to 43).

It is respectfully submitted that Salmon and Coleman do not teach or suggest the claimed invention. Neither Coleman nor Salmon teach or suggest a shaft for moving a bristle holder. In fact, it is respectfully submitted that Coleman could not be adapted for use with an electric toothbrush having a moving bristle holder because some moving mechanism would have to pass through the liquid filled housing to connect with the moving bristle holder, thereby destroying the tornado effect sought by Coleman.

b. US 2004/0187889 to Kemp in view of 2,838,976 to Berger

As understood, Kemp teaches a toothbrush having a hollow compartment for holding a toy. Kemp states that:

there is also a need in the art to appeal to children with a toy-shaped toothbrush handle having a compartment for removably storing a figurine or other child's toy therein, wherein the handle can function as a toy with or without a detachable toothbrush head to encourage children to brush their teeth, and wherein the handle prevents the figurine from moving within the compartment and provides a display case for the figurine.

Paragraph 0020. Kemp states at paragraph 58 that the “handle 16 may be a power or electrically operated movable toy rather than a manually-operated toy as shown in Figs. 1-7. The power-operated handle may function alone as movable toy or double as a movable toy and a mechanism to provide one or more power or electrically operated movable sections carrying cleaning elements in the head”. It is submitted that this paragraph does not teach or suggest, however, that the toy within the handle is what is the power-operated handle. In fact, this paragraph refers to Figs. 1 to 7 which do not include a figurine within a compartment. Further, it is not even clear how the arrangement contemplated by the Office Action would work where a toy within the compartment is capable of movement while within the compartment and is able to drive the movable sections of the head and is still removable from the compartment. As such, it is respectfully submitted that Kemp does not teach or suggest that a figurine within the compartment is movable.

As understood, Berger teaches a child's handbag in which an animated display is mounted. A knob is attached to a shaft for turning the animated display.

It is respectfully submitted that there is no teaching or suggestion to combine Kemp and the animated handbag of Berger and that further Kemp and Berger do not teach or suggest all the elements of independent claim 1. First, substituting the display device of Berger for the viewing window, compartment, and figurine of Kemp would eliminate an object of the Kemp invention, namely providing a removable toy within a storage compartment and would render Kemp unsuitable for its intended purpose. See MPEP § 2143.02. Second, as discussed above, it is submitted that Kemp does not teach or suggest a viewing window with a movable viewing surface disposed there beneath. As such, there is no suggestion to substitute a coupled viewing window and viewing surface of Kemp for the animated handbag of Berger, as suggested by the Office Action, as Kemp does not teach or suggest a coupled viewing window and a movable viewing surface. Still further, neither Kemp nor Berger teach or suggest that a shaft passes through the neck and that the shaft is operatively connected to the motor.

Based on the foregoing, it is respectfully submitted that the claims are in a condition for allowance and favorable reconsideration is requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

James C. Vago

Typed or Printed Name

Registration No. 40,855

(513) 622-4433

Date: April 11, 2005
Customer No. 27752